

TOWARDS A PRODUCTIVE WAQF MANAGEMENT FRAMEWORK
FOR SOCIO-ECONOMIC DEVELOPMENT OF MUSLIM COMMUNITY:
A CASE STUDY IN BATAM, INDONESIA

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To my parents,
My wife and daughters



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ABSTRACT

This study aims to reconstruct and formulate the productive waqf management framework applicable to Indonesia. The objective is to improve productive waqf functions as an economic security net for the socio-economic development of the Muslim Community since they seemed to be subordinated in their homeland. This study has also been done as the answer towards some problems such as the low motivation and participation of Muslim in waqf, unprofessional nadzir, lack of waqf socialization and the roles of waqf that have been limited and forgotten by most Muslims. The study has been conducted on the Malay Community in Batam City since it has the largest number of population compared to other districts and 100% of the Malay people are Muslims. The study has also been done by involving two phases. The first phase was carried out with a quantitative approach by distributing 2 sets of the questionnaire. First, to 382 Malay people to analyze their level of awareness on the productive waqf. Second, to 156 samples of waqf managers (Nadzir) in Batam to analyze their level of participation in the productive waqf framework. The second phase was carried out qualitatively by using two rounds of Delphi techniques involving 14 waqf experts and documents analysis. This second phase was aimed to analyze the problems that arise in the current implementation of the productive waqf framework while obtaining important components along with their respective criteria. Finally, the proposed framework was verified by 7 experts in the expert opinion stage. The findings showed that (1) the level of awareness of Malay people living in Kampung Tua, Batam City is low. (2) Nadzir's level of participation in the current productive waqf framework is medium. (3) There are 5 productive waqf framework components: supervision on waqf, nadzir aspect, legality, good modern management, shariah-compliant, and (4) the study has successfully come up with a new framework and component; merging Zakat, Infaq, and Shadaqah with Waqf Boards for developing socio-economic life of the Muslim community in Indonesia.

ABSTRAK

Kajian ini bertujuan untuk membina semula dan merumuskan rangka kerja pengurusan wakaf produktif yang boleh diaplikasikan di Indonesia. Objektif kajian ini adalah untuk meningkatkan produktiviti fungsi wakaf sebagai rangkaian keselamatan ekonomi bagi pembangunan sosio ekonomi bagi masyarakat Muslim sebab mereka seolah-olah menjadi subordinat di tanah air mereka. Kajian ini juga telah dilakukan sebagai jawapan terhadap beberapa masalah seperti motivasi dan penyertaan umat Islam yang rendah dalam waqf, nadzir tidak profesional, kekurangan sosialisasi waqf dan peranan waqf yang telah dilupakan oleh kebanyakan umat Islam. Kajian ini telah dijalankan ke atas Masyarakat Melayu di Bandar Batam kerana ia mempunyai jumlah penduduk yang paling ramai berbanding dengan daerah-daerah lain dan orang Melayu adalah majoriti penduduk di mana 100% daripada mereka adalah orang Islam. Kajian ini dijalankan dengan melibatkan dua fasa dalam menambah baik rangka kerja yang sedia ada. Fasa pertama adalah menggunakan pendekatan kuantitatif yang melibatkan pengedaran dua set soal selidik. Set yang pertama diedarkan kepada 382 orang Melayu bagi menganalisis tahap kesedaran mereka terhadap wakaf produktif. Bagi set yang kedua, soal selidik diedarkan kepada 156 orang pengurus wakaf (Nadzir) di Batam untuk menganalisis tahap penglibatan mereka dalam rangka kerja zakat produktif. Fasa yang kedua dijalankan secara kualitatif dengan menggunakan dua pusingan teknik Delphi yang melibatkan 14 pakar wakaf dan analisis dokumen. Fasa kedua ini adalah bertujuan untuk menganalisis masalah-masalah yang timbul dalam melaksanakan rangka kerja wakaf produktif sedia ada, disamping mendapatkan komponen-komponen penting beserta kriteria masing-masing. Akhirnya, rangka kerja cadangan telah disahkan oleh 7 pakar mengikut tahap pandangan pakar. Hasil kajian menunjukkan bahawa (1) tahap kesedaran masyarakat Melayu yang tinggal di Kampung Tua, Kota Batam adalah rendah. (2) Tahap penglibatan Nadzir dalam rangka kerja produktif wakaf sedia ada adalah sederhana. (3) Terdapat 5 komponen utama dalam rangka kerja wakaf produktif iaitu pengawasan wakaf, aspek nadzir, undang-

undang, pengurusan moden yang baik, patuh syariah dan (4) kajian ini telah berjaya menghasilkan kerangka kerja dan komponen baru iaitu penggabungan Lembaga Zakat, Infaq dan Shadaqah dengan Lembaga Wakaf untuk perkembangan kehidupan sosio-ekonomi masyarakat Muslim di Indonesia.



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LIST OF SYMBOLS AND ABBREVIATIONS

AD	-	Anno Domini
KR	-	Criteria
No.	-	Number
NY	-	No Year
SD	-	Standard Deviation
BMI	-	Mualamat Bank of Indonesia
BPN	-	National Land Agency
BPS	-	Central Bureau of Statistics
BWI	-	Indonesian Waqf Agency
HDI	-	Human Development Index
Kom	-	Component
LAM	-	Melayu Customary Institution
LAZ	-	Amil Zakat Institution
NGO	-	Non-Government Organization
PLS	-	Partial Least Square
R&D	-	Research and Development
SEM	-	Structural Equation Modelling
SOP	-	Standard Operational Procedure
SWT	-	Land Waqf Certificate
UIN	-	State Islamic University
ZIS	-	Zakat, Infaq, Shadaqah
CIPA	-	Certified Islamic Professional Accountant
PBUH	-	Peace be Upon Him
PIRE	-	Penang Islamic Religious Council
SIBL	-	Social Islami Bank Limited
SIRC	-	State Islamic Religious Council
SPSS	-	Statistical Package for Social Science

ASEAN	-	Association of Southeast Asian Nations
BAZNAS	-	National Zakat Agency
ZISWAK	-	Zakat, Infaq, Shadaqah, and Waqf
WAQTUMU	-	Muamalat Cash Waqf



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CHAPTER 1

INTRODUCTION

1.1 Introduction

Waqf potential in Indonesia is considered enormous. By looking at its development to this present time, waqf is the instrument of Islamic economy which has slow development, compared to the other instruments, such as ZIS (Zakat, Infaq, and Shadaqah). Compared to some other countries, as well such as Egypt, Saudi Arabia, Jordan, Turkey, Bangladesh, Malaysia, Singapore, Qatar, etc., waqf has been developed as Islamic social economy foundations to support less privilege people saddled with social problems, such as poverty (Hardinawati & Mughnisari, 2017; Khan, 2015; Dafterdar, 2011).

In Islam, there are several types and forms of devices that have been prepared in order to maintain the economic conditions of Muslim society. The emergence of the teachings of zakat, infaq, and shadaqah is considered as an attempt at creating a social safety network in the economic field. Moreover, waqf teachings have the same social safety network function and it comes with a stronger and special pattern.

Along with the Muslim customs in the practice of waqf that has been established since the pre-colonial period, there are still limitations in the application of waqf to the present time. Muslim Community in Indonesia, and particularly in Batam City, are seen as more active in practicing the three (3) other pillars of social security network existing in Islam; Zakat, Infaq, and Shadaqah with little emphasis on waqf (Wandi, 2015). Even the amount of cash waqf recorded in the Ministry of Religious of Batam through the Waqf Board of Batam City, from year to year is declining (the data will be displayed in the next section).

Ibn Taimiyah, as quoted by Jumuah (2015) has shown how waqf should be managed in a modern way. He said that according to Ibn Taimiyah, cash waqf can be managed in the form of *mudaraba*, where the profits are handed over to *mauquf `alaihi* (the beneficiary) while maintaining the object of waqf. Al-Zuhayli (2016) mentioned Muhammad bin Abdullah al-Ansari's opinion that argued the cash waqf can be done by investing it in the form of *mudaraba* and its profit is given to *mauquf alaihi*. Again, Wahbah al-Zuhayli also argued that cash waqf is permissible by making it such as a business venture with the principle of *mudaraba*, and the profit is left to *mauquf alaihi*. The Hanafi School allows cash waqf because the money that became the venture capital, can last longer and provide many benefits for the people.

Directorate of Waqf Empowerment and Directorate General of Islamic Community, Ministry of Religious Affairs of the Republic of Indonesia (2008) stated that productive waqf is a scheme of managing waqf donation derived from the ummah, by making the donation as a productive asset, in order to produce a sustainable surplus. Waqf donations can be in the form of movable objects, such as money, as well as immovable objects, such as land and buildings. This productive waqf surplus is a source of fund for financing the needs of the people, such as education and quality health services. By this objective, the government is expected to drive waqf as a tool that can assist it in improving the welfare of the nation as a whole. Therefore, the new notion of productive waqf should be set up in such a way so that it could be generalized to all Muslims in Indonesia.

According to Syakir (2016), basically, the waqf itself is productive by nature in the sense of having to produce something, because waqf can fulfill its purpose only if it has produced something where the production is going to be utilized in accordance with its initial purpose. The prototype of the first person to perform waqf in the history of Islam, Umar ibn al-Khattab, by donating a fertile garden in Khaybar was indeed a kind of productive waqf practice. Because the garden was managed productively and the productions were distributed for the benefit of the public in general. Of course, this waqf is a productive waqf in the sense of bringing the economic aspect and the welfare of society. Ironically, in Indonesia, a lot of people are still assuming that the assets of waqf are only those unproductive and even idle lands that in fact need constant maintenance cost from society, like a mosque, graveyard, and others.

Therefore, the emergence of law number 41 of 2004 on waqf is a bright spot of waqf arrangement in Indonesia. In article 16, by law no. 41 of 2004, the objects of

waqf have been explicitly divided into immovable and movable objects. Immovable objects include land, plants, buildings, apartment units, and others. While movable waqf objects include money, securities, precious metals such as gold, vehicles, lease rights, intellectual property rights, and others.

1.2 Background of The Study

The people who live in part of Indonesia and Malaysia are majority Malay and Muslims. Not to discuss on the historical side of linkage between Islam and Malay, what is meant here is that the phenomenon of the close association between Islam and Malay cannot be refuted. The Federal Constitution of Malaysia, article 160 (b) stated that the so-called Malay is who professes the Muslim religion, habitually speak the Malay language and conforms to Muslim customs. The identity of Malay-Muslim is then implicated in the high level of practice of Islamic teachings in the order of life (Sulistiono, 2014; Isjoni, 2016). Rahmawati (2014) said that Malay and Islam are two things that cannot be separated. Malays have developed because of Islam, and vice versa, Islam is the identity of Malay culture.

One of those people are the Muslim-Malay of Batam. Batam is one of the islands that lie between the waters of the Malacca Strait and the Singapore Strait. There is no literature that can be referenced to identify the source of the name “Batam”, but obviously, Batam is a large island with 329 islands around it. The only source that clearly mention the name of Batam and can still be traced today is the Treaty of London of 1824. The original residents of Batam City are estimated to be Malays who are known as Orang Selat or Orang Laut. They had, at least, occupied the region since the time of the Tumasik (now Singapore) kingdom at the end of the 1300s or the beginning of the 14th century. There are also other notes mentioning the possibility of Batam Island that has been inhabited by Orang Laut since the year 231 AD where Singapore was still called Pulau Ujong (Profil, 2014; Batam, 2019).

The city, which is part of the Riau Islands Province, has a land area of 715 km² or around 115% of Singapore, while the total area reaches 1,570.35 km². The city of Batam has a tropical climate with an average temperature of 26 to 34 degrees celsius. The city has a hilly and moist terrain. North of Batam City is bordered by Singapore and Malaysia. The southern part is bordered by the Daik-Lingga islands. The eastern

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